

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

ANA IRMA GARCIA FIGUEROA  
DEBTOR

\* CASE NO. 16-01367/MCF  
\* CHAPTER 13  
\*

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**DEBTOR'S MOTION REQUESTING APPOINTMENT OF  
"NEXT FRIEND" or "GUARDIAN AD LITEM"  
PURSUANT TO RULE 1004.1 FRBP**

TO THE HONORABLE COURT:

NOW COMES, **ANA IRMA GARCIA FIGUEROA**, debtor in the above captioned case, through the undersigned attorney, and very respectfully states, prays and requests as follows:

1. On February 25, 2016, the debtor filed a *Voluntary Petition* under Chapter 13 of the Bankruptcy Code, 11 USC Sections 701 *et seq.*, in the above captioned case. Alejandro Oliveras Rivera, Esq., is the appointed interim Trustee, in the present case.
2. The debtor is suffering from several medical conditions, and the filing of the petition in this case her condition has worsen. She is impaired to appear at a 341 meeting and make rational decisions with respect to her financial responsibilities. *In re Sapp*, 2011 Bankr. LEXIS 2843, (USBC ED Mo.)
3. The debtor's physical and medical condition does not allow her to personally appear at the 341 meeting of creditors scheduled for April 13, 2016 at 1:00 PM to be held at the Ochoa Building in San Juan, Puerto Rico.

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4. The debtor respectfully submits that she is physically impaired as to be unable, after reasonable effort, to participate in person or telephone conference at a 341 meeting of creditors. *In re Sapp*, 2011 Bankr. LEXIS 2843, (USBC ED Mo.); *In re Myers*, 350 B.R. 760 (Bankr. N.D. Ohio 2006); Section 109(h)(4), 11 USC Section 109(h)(4); Rule 1004.1 of the Federal Rules of Bankruptcy Procedure.

5. The debtor respectfully requests this Honorable Court to appoint **Mr. Miguel Angel Rivera Garcia, debtor's son as "guardian ad litem"** pursuant to Rule 1004.1 FRBP, and that Mr. Rivera be allowed to represent the debtor at the 341 meeting of creditors and in all bankruptcy proceedings, in the above captioned case.

**WHEREFORE**, the debtor respectfully requests this Honorable Court grant the present motion and issue an Order appointing **Mr. Miguel Angel Rivera Garcia, debtor's son**, as "next friend" or "guardian ad litem" pursuant to Rule 1004.1 FRBP, and that he be allowed to represent the debtor at the 341 meeting of creditors and in all bankruptcy proceedings, in the above captioned case.

**NOTICE:** Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

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**CERTIFICATE OF SERVICE:** I hereby certify that a copy of this motion was filed with the Clerk of the Court using the CM/ECF system which will send notice of the same to: the US Trustee's Office; the Chapter 13 Trustee Alejandro Oliveras Rivera, Esq.; I also certify that a copy of this motion was sent via US Mail to debtor Ana Irma García Figueroa, C/O Miguel Rivera, Villa Capri, 1193 Trieste Street, San Juan PR 00924; and to all creditors and parties in interest as per the attached master address list.

**RESPECTFULLY SUBMITTED.** In San Juan, Puerto Rico, this 8<sup>th</sup> day of April, 2016.

/s/Roberto Figueroa Carrasquillo  
ROBERTO FIGUEROA CARRASQUILLO  
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Label Matrix for local noticing

0104-3

Case 16-01367-MCF13

District of Puerto Rico

Old San Juan

Fri Apr 8 07:45:27 AST 2016

US Bankruptcy Court District of P.R.

Jose V Toledo Fed Bldg & US Courthouse

300 Recinto Sur Street, Room 109

San Juan, PR 00901-1964

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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

(d)RELIABLE FINANCIAL SERVICES, INC.

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End of Label Matrix

Mailable recipients 12

Bypassed recipients 0

Total 12